# House File 2452 - Introduced

HOUSE FILE 2452
BY BENNETT

# A BILL FOR

- 1 An Act relating to the issuance and execution of a search
- 2 warrant.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 808.4, Code 2022, is amended to read as 2 follows:
- 3 **808.4** Issuance.
- Upon a finding of probable cause for grounds to issue a
- 5 search warrant, the magistrate shall issue a search warrant,
- 6 signed by the magistrate with the magistrate's name of office,
- 7 directed to any peace officer, commanding that peace officer
- 8 forthwith to search the named person, place, or thing within
- 9 the state for the property specified, and to bring any property
- 10 seized before the magistrate.
- 11 2. The magistrate shall specify that the search warrant
- 12 shall be executed only during daytime hours unless the
- 13 magistrate authorizes the execution of the search warrant at
- 14 another time for good cause shown.
- 15 Sec. 2. Section 808.5, Code 2022, is amended to read as
- 16 follows:
- 17 808.5 Execution.
- 18 1. A search warrant may be executed by any peace officer
- 19 who shall be recognizable and identifiable as a uniformed
- 20 peace officer and who shall provide audible notice of the
- 21 peace officer's authority and purpose to the occupants of the
- 22 place to be searched reasonably expected to be heard by the
- 23 occupants of the place to be searched prior to the execution
- 24 of the search warrant. No persons other than those authorized
- 25 by this section shall execute search warrants except in aid of
- 26 those so authorized and on such authorized person's request,
- 27 the authorized person being present and acting.
- 28 2. The warrant may shall be executed in the daytime or in
- 29 the nighttime unless a magistrate has authorized the execution
- 30 of the search warrant at another time for good cause shown
- 31 under section 808.4.
- 32 3. No peace officer shall execute or participate in the
- 33 execution of a no-knock search warrant. For purposes of this
- 34 subsection, "no-knock search warrant" means a search warrant
- 35 authorizing a peace officer to enter a certain place without

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- 1 first knocking and announcing the officer's presence or
  2 purpose.
- 3 4. After entering and securing the place to be searched
- 4 and prior to undertaking any search or seizure pursuant to the
- 5 search warrant, the peace officer shall read and give a copy
- 6 of the search warrant to the person to be searched or the owner
- 7 of the place to be searched or, if the owner is not present,
- 8 to any occupant of the place to be searched. If the place to
- 9 be searched is unoccupied, the peace officer shall leave a
- 10 copy of the search warrant suitably affixed to the place to be
- 11 searched.
- 12 5. The warrant, when executed, shall be forthwith returned
- 13 to the issuing magistrate. Where the property to be seized has
- 14 been, or is susceptible of being, removed from the officer's
- 15 jurisdiction, the officer executing the warrant may pursue it
- 16 and search for property designated in the warrant.
- 17 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- This bill relates to the issuance and execution of a search warrant.
- 22 The bill provides that the magistrate issuing a search
- 23 warrant shall specify the search warrant be executed only
- 24 during daytime hours unless the magistrate authorizes the
- 25 execution of the search warrant at another time for good cause
- 26 shown.
- 27 The bill provides that a search warrant may be executed by
- 28 any peace officer who shall be recognizable and identifiable as
- 29 a uniformed peace officer and who shall provide audible notice
- 30 of the peace officer's authority and purpose to the occupants
- 31 of the place to be searched reasonably expected to be heard by
- 32 the occupants of the place to be searched prior to execution of
- 33 the search warrant. The search warrant shall be executed in
- 34 the daytime unless a magistrate has authorized the execution
- 35 of the search warrant at another time for good cause shown as

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- 1 provided in Code section 808.4.
- 2 The bill provides that no peace officer shall execute or
- 3 participate in the execution of a no-knock search warrant,
- 4 defined in the bill.
- 5 The bill provides that after entering and securing the
- 6 place to be searched and prior to undertaking any search or
- 7 seizure pursuant to the search warrant, the peace officer
- 8 shall read and give a copy of the search warrant to the person
- 9 to be searched or the owner of the place to be searched or,
- 10 if the owner is not present, to any occupant of the place to
- 11 be searched. If the place to be searched is unoccupied, the
- 12 peace officer shall leave a copy of the search warrant suitably
- 13 affixed to the place to be searched.